



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,946	06/27/2000	Marco DeMello	MSFT-0125/154575.1	5208

7590

12/23/2003

Peter M Ullman  
Woodcock Washburn Kurtz  
Mackiewicz & Norris LLP  
One Liberty Place 46th Floor  
Philadelphia, PA 19103

EXAMINER

MCARDLE, JOSEPH M

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 12/23/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/604,946

Applicant(s)

DEMELLO ET AL.

Examiner

Joseph McArdle

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 27 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 6, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-6, 9, 11, 13-21, 24, 26-30, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Benson (5845281). In regards to claim 1, Benson discloses a design in column 11, lines 11-24 that has a user data processor containing network capabilities and a memory/bulk storage device. This meets the first limitation set forth under claim 1, which calls for having a computing device adaptive for network communications and also having a long-term storage device. Benson then discloses in column 12, lines 34-39 that a user program, which contains a user interface, is used to activate a usage manager module (rendering application). This meets the second limitation set forth under claim 1, which calls for having a user interface adapted to interact with the computing device and for launching a rendering application. Benson further discloses in column 12, lines 58-64 that the usage manager module (rendering application) is used to access and decrypt the encrypted data stored in the memory/bulk storage. This meets the last limitation set forth under claim 1, which calls for accessing encrypted information in a long-term storage device and returning it for use by the rendering application.

3. In regards to claim 9, Benson discloses in column 11, lines 66-67 through column 12, lines 1-9 that a user program can have a password applied to it for the purpose of authenticating both a user as well as the data(software) that is desired by the user. This meets the first limitation set forth under claim 9, which calls for authenticating the software. Benson then discloses in column 12, lines 54-62 that once a user and/or data is authenticated, the decryption module can be invoked to decrypt the remaining information based upon some of the already decrypted control data. This meets the last limitation set forth under claim 9, which calls for providing at least one cryptographic service for the software that is capable of being invoked by the software itself.

4. In regards to claim 16 and 26, Benson discloses in column 12, lines 34-39 that a user program, which contains a user interface, is used to activate a usage manager module in order to provide itself with access to information on a storage device. This meets the first limitation set forth under claim 16, which calls for having an interface for requesting a service (the service in this case would be providing information). This also meets the limitation set forth under claim 26, which calls for allowing the first entity to perform the act of providing for itself. Benson then discloses in column 12, lines 58-64 that a usage manager module (rendering application) is used to access and decrypt the encrypted data stored in a storage device. This meets the last limitation set forth under claim 16, which calls for having a second entity capable of providing one or more services, that includes enabling the use of information stored in an encrypted format.

5. In regards to claim 28, Benson discloses in column 12, lines 50-53 that the usage manager module takes a user's request and compares it with corresponding control

data. This meets the first limitation set forth under claim 28, which calls for issuing a first request to provide first data, which enables the use of desired information. Benson then discloses in column 12, lines 40-60 that the usage manager module calls a decryption module in order to decrypt the control data that is used in making a determination of whether or not the requesting user is authorized to access the information. Benson further discloses in the same location that if the user's request is able to be authenticated by the aforementioned control data, then the user manager module calls the decryption module again, this time to decrypt all of the remaining information. This meets the last remaining limitations set forth under claim 28, which calls for unsealing the information based upon second information that pertains to whether or not the user is authorized to obtain the first information.

6. In regards to claims 3 and 30, Benson discloses in column 12, lines 59-64 that the usage manager module calls a decryption module in order to decrypt the data requested for usage and render it in an unencrypted format. This meets the limitations set forth under claims 3 and 30, which calls for having the retrieved information in an unencrypted format.

7. In regards to claims 4-6, 14 and 29, Benson discloses in column 12, lines 50-57 and in column 9, lines 54-67 through column 10, lines 1-5 that control data is used to identify and authenticate a users request for information based on such parameters as user type, payment information (credit card information, see column 9, lines 55-56), and usage type. This meets the limitations set forth under claims 4-6, 14 and 29, which calls

for having second information that can be used in the authentication of a user and can contain such parameters as credit card information and also specify a user.

8. In regards to claim 11, Benson discloses in column 12, lines 58-61 that a decryption module can decrypt(unseal) encrypted(sealed) data. This meets the exact limitation set forth under claim 11.

9. In regards to claim 13, Benson discloses in column 7, lines 64-67 through column 8, lines 1-26 that usage information, which can include information pertaining to a user to which the content is licensed, gets encrypted(sealed) along with the actual data. This meets the exact limitations set forth under claim 13.

10. In regards to claims 15 and 24, Benson discloses in column 12, lines 58-60, the use of a decryption module that decrypts(unseals) data. This meets the exact limitations set forth under claims 15 and 24.

11. In regards to claim 17, Benson discloses in column 5, lines 16-22 that a data object provider provides data objects (software), which are created by an author. This meets the exact limitation set forth under claim 17.

12. In regards to claim 18, Benson discloses in column 5, lines 16-22 and in column 12, lines 58-64 that a data object can consist of digital data (column 5, lines 16-22) and that the data object can be accessed and decrypted by a usage manager module (rendering application). This meets the exact limitations set forth under claim 18.

13. In regards to claim 19, Benson discloses in column 12, lines 34-39 that when a user wants to use data, he/she will start a user program, which will invoke the usage manager module. This meets the limitation set forth under claim 19, which calls for

allowing a second entity to be comprised of a consumer of the information (which in this case the user requesting the information can be thought of as the consumer).

14. In regards to claim 20, 32 and 33 Benson discloses in column 7, lines 33-40 that script or program code, which is executed by the user program, can contain conditional statements that are processed with the relevant object and system parameters on the user's processor. This meets the limitations set forth under claims 20, 32 and 33, which call for issuing a request to an object that satisfies the request wherein the object is a COM object.

15. In regards to claim 21, the above rejection of claim 16 discloses that one of the things the usage manager module does is decrypt the desired encrypted data so that it may be used by a requesting user. This meets the exact limitations set forth under claim 21.

16. In regards to claim 27, Benson discloses in column 12, lines 40-46 that a decryption module can be called in order to decrypt the control data from the data package. This meets the first limitation set forth under claim 27, which calls for issuing a call to a secure repository. Benson then discloses in column 12, lines 50-60 that the remaining portion of the data (i.e. all data besides the header file which has already been decrypted) can be enabled or not enabled based on whether or not the usage request was approved in the control data. This meets the remaining limitation of claim 27, which calls for enabling the usage of information (without the secure repository) if the information has a second level of protection associated with it.

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2, 7, 8, 10, 12, 22, 23, 25 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson in view of Rose (5708709). In regards to claim 7, Benson's design disclosed above meets all of the aforementioned limitations set forth under claim 1. However, Benson's design makes no mention having a secure repository to apply a key to second data. Rose discloses in column 5, lines 31-49 that the control data is first encrypted with an appropriate key prior to encrypting the rest of the data file with another key. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Rose's teachings on encrypting the control data separately from the entire file in order to achieve a design that is capable of encrypting both a first set of data and a second set of data according to a particular key for the purposes of providing greater security.

19. In regards to claims 2, 8, 10, 12, 22, and 31, Benson's design disclosed above meets all of the aforementioned limitations of claims 1, 9, 16 and 28. However, Benson's design makes no mention of having a decryption key that is included in the first data returned by the management module. Rose teaches in column 5, lines 49-52 that it is desirable that none of the application program(information and/or data in the



present case) appear as clear text during transmission over a communications network. Rose further discloses in column 5, lines 33-37 that a transmission format for an application program(information and/or data) includes the encryption keys used in the encryption process. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Rose's teachings on including encryption keys in a transmission package into Benson's design in order to achieve a design that is capable of allowing the first/second data to comprise a key to be used in the decryption of the transferred information for the purpose of allowing greater security during the transmission process.

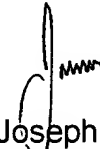
20. In regards to claims 23 and 25, Benson's design disclosed above meets all of the aforementioned limitations of claim 16. However, Benson's design makes no mention of providing the name of an authorized user to the software. Rose discloses in column 7, lines 39-41 that information identifies the user of a particular application program(software) so that it can be ensured that the application program(software) is authenticated along with a correct user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute Rose's teachings on supplying a user's name and/or identity into Benson's design in order to achieve a design that is capable of providing information about the users for the purposes of validating the software along with a user

**Conclusion**

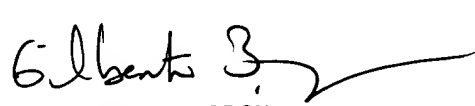
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph McArdle whose telephone number is (703) 305-7515. The examiner can normally be reached on Weekdays from 8:00 am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is (703) ~~746-7239~~ <sup>872-9306</sup> 3

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Joseph McArdle  
Examiner  
Art Unit 2132

jmm

  
GILBERTO BARRON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100